

Working Copy

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FILE ORIGINAL & ONE COPY  
TYPE OR PRINT IN BLACK INK  
(For explanation of entries required, see  
booklet "How to file an Application to  
Appropriate Water in California")

State of California  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
P.O. Box 2000, Sacramento, CA 95812-2000  
Info: (916) 341-5300, FAX: (916) 341-5400, Web: <http://www.waterrights.ca.gov>

STATE WATER RESOURCES  
CONTROL BOARD

2004 SEP 20 AM 11:30

DIV. OF WATER RIGHTS  
SACRAMENTO

## APPLICATION TO APPROPRIATE WATER

APPLICATION No. 031543  
(Leave Blank)

### 1. APPLICANT

*per 2/16/06 Notice of Assignment ym.*  
City of Paso Robles  
1000 Spring street  
Paso Robles, CA 93446  
Frank Arciero  
(Name of applicant)

(805) 237-3850  
(949) 461-7030  
(Telephone - between 8 a.m. and 5 p.m.)

Fallingstar Homes, Inc

27231 Burbank

(Mailing address)

Foothill Ranch

(City or town)

Ca.

(State)

92610-2500

(Zip code)

### 2. SOURCE

a. The name of the source at the point of diversion is

Unnamed Stream

(If unnamed, state that it is an unnamed stream, spring, etc.)

tributary to Salinas River

b. In a normal year does the stream dry up at any point downstream from your project? YES ☒ NO ☐

If yes, during what months is it usually dry? From June to November

What alternate sources are available to your project should a portion of your requested direct diversion season be excluded because of a dry stream or nonavailability of water? N/A

### 3. POINTS of DIVERSION and REDIVERSION

a. The point(s) of diversion will be in the County of San Luis Obispo  
and within Assessor's Parcel Number (APN #) See Attachment

b.

| List all points giving coordinate distances from section corner or other tie as allowed by SWRCB regulations i.e. California Coordinate System | Point is within (40-acre subdivision) | Section | Township | Range | Base and Meridian |
|--|---------------------------------------|---------|----------|-------|-------------------|
| <u>See Attachment</u>  | <u>¼ of ¼</u>                         |         |          |       |                   |
|  | <u>¼ of ¼</u>                         |         |          |       |                   |
|  | <u>¼ of ¼</u>                         |         |          |       |                   |

c. Does applicant own the land at the point of diversion? YES ☒ NO ☐

d. If applicant does not own the land at point of diversion, state name and address of owner and what steps have been taken to obtain right of access: N/A

"The energy challenge facing California is real. Every California needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>. Additional copies of this form and water right information can be obtained at [www.waterrights.ca.gov](http://www.waterrights.ca.gov).

*12/20/04  
\$1000.  
\$850  
Cm.*

#### 4. PURPOSE of USE, AMOUNT and SEASON

- a. In the table below, state the purpose(s) for which water is to be appropriated, the quantities of water for each purpose, and the dates between which diversions will be made. Use gallons per day if rate is less than 0.025 cubic foot per second (approximately 16,000 gallons per day).

| PURPOSE OF USE<br>(Irrigation, Domestic, etc.) | DIRECT DIVERSION  |                                   |                                  |                               | STORAGE                |                                  |                               |
|--|---|-----------------------------------|----------------------------------|-------------------------------|------------------------|----------------------------------|-------------------------------|
|  | QUANTITY  |                                   | SEASON OF DIVERSION              |                               | AMOUNT                 |                                  | COLLECTION SEASON             |
|  | RATE<br>(Cubic feet<br>per second or<br>gallons per<br>day) | AMOUNT<br>(Acre-feet<br>per year) | Beginning<br>Date<br>(Mo. & Day) | Ending<br>Date<br>(Mo. & Day) | Acre-feet<br>per annum | Beginning<br>Date<br>(Mo. & Day) | Ending<br>Date<br>(Mo. & Day) |
| Wildlife Enhancement                           |   |                                   |                                  |                               | 9.0                    | Oct. 1                           | May 15                        |
| Recreation                                     |   |                                   |                                  |                               |                        | 1/1                              | 5/14                          |
| Fire Protection                                |   |                                   |                                  |                               |                        |                                  |                               |
| Aesthetics                                     |   |                                   |                                  |                               |                        |                                  |                               |
|  |   |                                   |                                  |                               | 9.0                    |                                  |                               |

See 9/1/04 letter  
ym

- b. Total combined amount taken by direct diversion and storage during any one year will be 9.0 acre-feet.

#### 5. JUSTIFICATION of AMOUNT

- a. IRRIGATION: Maximum area to be irrigated in any one year is \_\_\_\_\_ acres.

| CROP | ACRES | METHOD OF IRRIGATION<br>(Sprinklers, flooding, etc.) | ACRE-Feet<br>PER YEAR | NORMAL SEASON  |             |
|------|-------|--|-----------------------|----------------|-------------|
|      |       |  |                       | Beginning Date | Ending Date |
|      |       |  |                       |                |             |
|      |       |  |                       |                |             |
|      |       |  |                       |                |             |
|      |       |  |                       |                |             |

- b. DOMESTIC: Number of residences to be served is \_\_\_\_\_. Separately owned? YES ☐ NO ☐  
 Total number of people to be served is \_\_\_\_\_. Estimated daily use per person is \_\_\_\_\_  
 Total area of domestic lawns and gardens is \_\_\_\_\_ square feet. (Gallons per day)  
 Incidental domestic uses are \_\_\_\_\_  
 (Dust control area, number and kind of domestic animals, etc.)

- c. STOCKWATERING: Kind of stock \_\_\_\_\_ Maximum number \_\_\_\_\_  
 Describe type of operation: \_\_\_\_\_  
 (Feed lot, dairy, range, etc.)

- d. RECREATIONAL: Type of recreation: Fishing ☐ Swimming ☐ Boating ☐ Other ☒

- e. MUNICIPAL: (Estimated projected use)

| POPULATION                            |      | MAXIMUM MONTH                          |                            | ANNUAL USE                             |                           |                 |
|---------------------------------------|------|--|----------------------------|--|---------------------------|-----------------|
| 5-Year periods until use is completed |      | Average daily use<br>(gal. per capita) | Rate of diversion<br>(cfs) | Average daily use<br>(gal. per capita) | Acre-foot<br>(per capita) | Total acre feet |
| PERIOD                                | POP. |  |                            |  |                           |                 |
| Present                               |      |  |                            |  |                           |                 |
|                                       |      |  |                            |  |                           |                 |
|                                       |      |  |                            |  |                           |                 |
|                                       |      |  |                            |  |                           |                 |
|                                       |      |  |                            |  |                           |                 |

Month of maximum use during year is \_\_\_\_\_. Month of minimum use during year is \_\_\_\_\_.

f. HEAT CONTROL: The total area to be heat protected is \_\_\_\_\_ net acres.  
 Type of crop protected is \_\_\_\_\_  
 Rate at which water is applied to use is \_\_\_\_\_ gpm per acre.  
 The heat protection season will begin about \_\_\_\_\_ and end about \_\_\_\_\_  
 (Date) (Date)

g. FROST PROTECTION: The total area to be frost protected is \_\_\_\_\_ net acres.  
 Type of crop protected is \_\_\_\_\_  
 Rate at which water is applied to use is \_\_\_\_\_ gpm per acre.  
 The frost protection season will begin about \_\_\_\_\_ and end about \_\_\_\_\_  
 (Date) (Date)

h. INDUSTRIAL: Type of industry is \_\_\_\_\_  
 Basis for determination of amount of water needed is \_\_\_\_\_

i. MINING: The name of the claim is \_\_\_\_\_ Patented ☐ Unpatented ☐  
 The nature of the mine is \_\_\_\_\_ Mineral to be mined is \_\_\_\_\_  
 Type of milling or processing is \_\_\_\_\_  
 After use, the water will be discharged into \_\_\_\_\_

(Name of stream)  
 in \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, \_\_\_\_\_ B. & M.  
 (40-acre subdivision)

j. POWER: The total fall to be utilized is \_\_\_\_\_ feet. The maximum amount of water to be used through the penstock is \_\_\_\_\_ cubic feet per second. The maximum theoretical horsepower capable of being generated by the works is \_\_\_\_\_. Electrical capacity is \_\_\_\_\_ kilowatts at \_\_\_\_\_% efficiency.  
 (Cubic feet per second x fall ÷ 8.8) (Hp x 0.746 ÷ efficiency)  
 After use, the water will be discharged into \_\_\_\_\_

(Name of stream)  
 in \_\_\_\_\_ 1/4 of \_\_\_\_\_ 1/4 of Section \_\_\_\_\_, T \_\_\_\_\_, R \_\_\_\_\_, \_\_\_\_\_ B. & M. FERC No. \_\_\_\_\_  
 (40-acre subdivision)

k. FISH AND WILDLIFE PRESERVATION AND/OR ENHANCEMENT: YES ☒ NO ☐ If yes, list specific and habitat type that will be preserved or enhanced in item 10 of Environmental Information form APP-ENV.

l. OTHER: Describe use: See Attachment Basis for determination of amount of water needed is \_\_\_\_\_

## 6. PLACE OF USE

a. Does applicant own the land where the water will be used? YES ☒ NO ☐ Is land in joint YES ☐ NO ☒ ownership?  
 (All joint owners should include their names as applicants and sign the application.)

If applicant does not own land where the water will be used, give name and address of owner, and state what arrangements have been made with the owner. \_\_\_\_\_

| b. USE IS WITHIN<br>(40-ACRE SUBDIVISION) | SECTION | TOWNSHIP       | RANGE | BASE &<br>MERIDIAN | IF IRRIGATED       |                               |
|---|---------|----------------|-------|--------------------|--------------------|-------------------------------|
|   |         |                |       |                    | Number<br>of acres | Presently<br>cultivated (Y/N) |
| 1/4 of 1/4                                |         | SEE ATTACHMENT |       |                    |                    |                               |
| 1/4 of 1/4                                |         |                |       |                    |                    |                               |
| 1/4 of 1/4                                |         |                |       |                    |                    |                               |
| 1/4 of 1/4                                |         |                |       |                    |                    |                               |
| 1/4 of 1/4                                |         |                |       |                    |                    |                               |

(If area is unsurveyed, state the location as if lines of the public land survey were projected, or contact the Division of Water Rights. If space does not permit listing all 40-acre tracts, include on another sheet or state sections, townships and ranges, and show detail on map.)

## 7. DIVERSION WORKS

- a. Diversion will be by gravity by means of \_\_\_\_\_  
(Dam, pipe in unobstructed channel, pipe through dam, siphon, weir, gate, etc.)
- b. Diversion will be by pumping from \_\_\_\_\_ Pump discharge rate \_\_\_\_\_ Horsepower \_\_\_\_\_  
(Depth of the well \_\_\_\_\_) (Sump, offset well, channel, reservoir, etc.) (cfs or gpd)
- c. Conduit from diversion point to first lateral or to offstream storage reservoir:

| CONDUIT<br>(Pipe or channel) | MATERIAL<br>(Type of pipe or channel lining)<br>(Indicate if pipe is buried or not) | CROSS SECTIONAL DIMENSION<br>(Pipe diameter or ditch depth and top and bottom width) | LENGTH<br>(Feet) | TOTAL LIFT OR FALL |        | CAPACITY<br>(Estimate) |
|------------------------------|---|--|------------------|--------------------|--------|------------------------|
|                              |   |  |                  | Feet               | + or - |                        |
|                              |   |  |                  |                    |        |                        |
|                              |   |  |                  |                    |        |                        |
|                              |   |  |                  |                    |        |                        |

- d. Storage reservoirs: (For underground storage, complete Supplement 1 to APP, available upon request.)

| Name or number of reservoir, if any | DAM  |                       |                  |   | RESERVOIR                                  |                                  |                           |
|-------------------------------------|--|-----------------------|------------------|---|--|----------------------------------|---------------------------|
|                                     | Vertical height from downstream toe of slope to spillway level (ft.) | Construction material | Dam length (ft.) | Freeboard Dam height above spillway crest (ft.) | Approximate surface area when full (acres) | Approximate capacity (acre-feet) | Maximum water depth (ft.) |
| 1                                   | 6  | Earthen               | 100              | 2.5   | 0.9  | 3.0                              | 6.7                       |
| 2                                   | 20   | Earthen               | 150              | 4.5   | 1.5  | 6.0                              | 9.3                       |
|                                     |  |                       |                  |   |  |                                  |                           |

- e. Outlet pipe: (For storage reservoirs having a capacity of 10 acre-feet or more.)

| Diameter of outlet pipe (inches) | Length of Outlet pipe (feet) | FALL<br>(Vertical distance between entrance and exit of outlet pipe in feet) | HEAD<br>(Vertical distance from spillway to outlet pipe in reservoir in feet) | Estimated storage below outlet pipe entrance (dead storage) |
|----------------------------------|------------------------------|--|---|---|
|                                  |                              |  |   |   |
|                                  |                              |  |   |   |
|                                  |                              |  |   |   |

- f. If water will be stored and the reservoir is not at the point of diversion, the maximum rate of diversion to offstream storage will be \_\_\_\_\_ cfs. Diversion to offstream storage will be made by: ☐ Pumping ☐ Gravity

## 8. COMPLETION SCHEDULE

- a. Year work will start See Attachment b. Year work will be completed \_\_\_\_\_
- c. Year water will be used to the full extent intended \_\_\_\_\_ d. If completed, year of first use \_\_\_\_\_

## 9. GENERAL

- a. Name of the post office most used by those living near the proposed point of diversion is Paso Robles  
Does any part of the place of use comprise a subdivision on file with the Department of Real Estate? YES ☒ NO ☐  
If yes, state name of the subdivision Montebello Tentative Tract 2369  
If no, is subdivision of these lands contemplated? YES ☐ NO ☐  
Is it planned to individually meter each service connection? YES ☐ NO ☒ If yes, when? \_\_\_\_\_
- b. List the names and addresses of diverters of water from the source of supply downstream from the proposed point of diversion: See names on file with the State Water Resources Control Board
- c. Is the source used for navigation, including use by pleasure boats, for a significant part of each year at the point of diversion, or does the source substantially contribute to a waterway which is used for navigation, including use by pleasure boats? YES ☐ NO ☒ If yes, explain \_\_\_\_\_

# 10. EXISTING WATER RIGHT

Do you claim an existing right for the use of all or part of the water sought by this application? YES ☐ NO ☒  
If yes, complete table below:

| Nature of Right<br>(riparian, appropriative, groundwater) | Year of<br>First Use | Purpose of use made in recent years<br>including amount, if known | Season<br>of Use | Source | Location of<br>Point of Diversion |
|---|----------------------|---|------------------|--------|-----------------------------------|
|   |                      |   |                  |        |                                   |
|   |                      |   |                  |        |                                   |
|   |                      |   |                  |        |                                   |

# 11. AUTHORIZED AGENT (Optional)

With respect to ☒ all matters concerning this water right application ☐ those matters designated as follows:

Steven J. Sylvester, North Coast Engineering

(Name of agent)

(805) 239-3127

(Telephone number of agent between 8 a.m. and 5 p.m.)

725 Creston Road, Suite B.

(Mailing address)

Paso Robles

(City or town)

Ca.

(State)

93446

(Zip code)

is authorized to act on my behalf as my agent.

# 12. SIGNATURE OF APPLICANT

I (we) declare under penalty of perjury that the above is true and correct to the best of my (our) knowledge and belief.

Dated 9-1 2004 at PASO ROBLES, California

Ms. Mr.

Miss. Mrs.

X [Signature]

(Signature of applicant)

(If there is more than one owner of the project,  
please indicate their relationship.)

Ms. Mr.

Miss. Mrs.

(Signature of applicant)

Additional information needed for preparation of this application may be found in the Instruction Booklet entitled "HOW TO FILE AN APPLICATION TO APPROPRIATE WATER IN CALIFORNIA". If there is insufficient space for answers in this form, attach extra sheets. Please cross-reference all remarks to the numbered item of the application to which they may refer. Send original application and one copy to the STATE WATER RESOURCES CONTROL BOARD, DIVISION OF WATER RIGHTS, P.O. Box 2000, Sacramento, CA 95812-2000, with \$100 minimum filing fee.

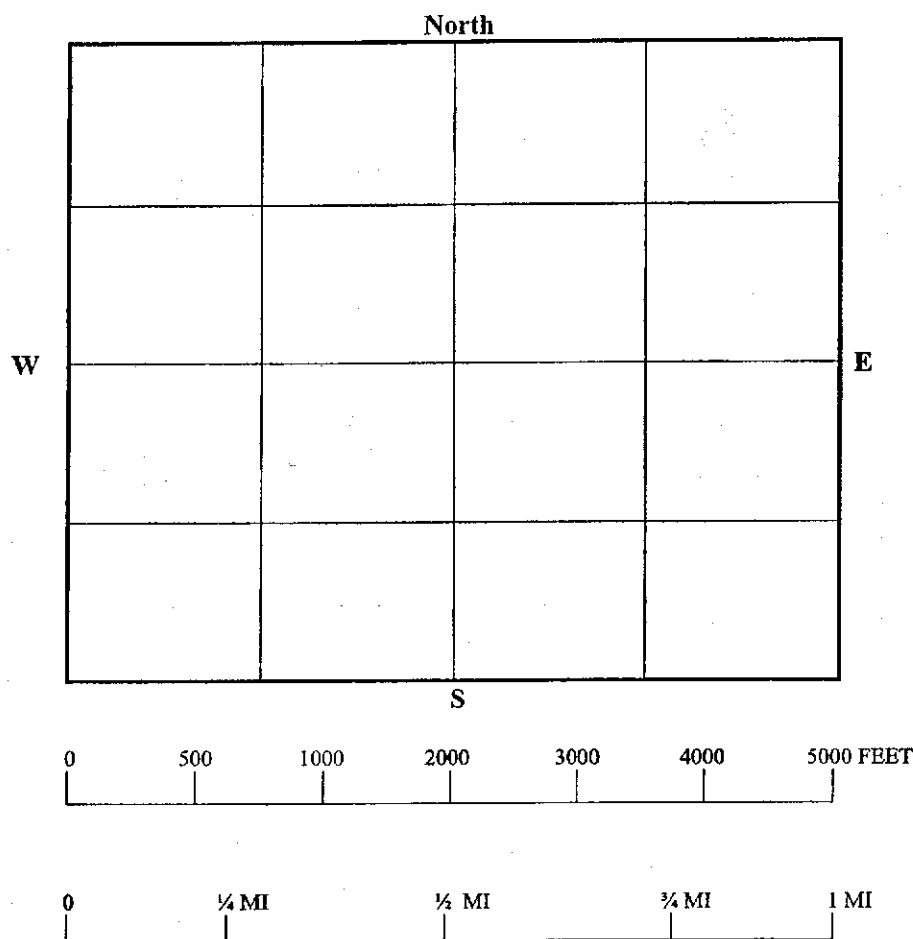
# NOTE:

If this application is approved for a permit, a minimum permit fee of \$100 will be required before the permit is issued.

**13. MAP SEE ATTACHED MAP**

(Please complete legibly, with as much detail as possible, or attach a suitable alternative. See example in instruction booklet.)

SECTION(S) \_\_\_\_\_ TOWNSHIP \_\_\_\_\_ RANGE \_\_\_\_\_, \_\_\_\_\_ B. & M.



- (1) Show location of the stream or spring, and give name.
- (2) Locate and describe the point of diversion (i.e. the point at which water is to be taken from the stream or spring) in the following way: Begin at the most convenient known corner of the public land survey, such as a section or quarter section corner (if on unsurveyed land more than two miles from a section corner, begin at a mark or some natural object or permanent monument that can be readily found and recognized) and measure directly north or south until opposite the point which it is desired to locate; then measure directly east or west to the desired point. Show these distances in figures on the map as shown in the instructions.
- (3) Show location of the main ditch or pipeline from the point of diversion.
- (4) Indicate clearly the proposed place of use of the water.

**14. SUPPLEMENTAL INFORMATION**

- a. If you are applying for a permit, Environmental Information form APP-ENV should be completed and attached to this form.
- b. If you are applying for underground storage, supplemental to APP (available upon request) should be completed and attached to this form.

# **Attachment to Application to Appropriate Water by Fallingstar Homes, Inc.**

## **3. POINTS OF DIVERSION AND REDIVERSION**

a. Assessor's Parcel Numbers 025-391-031, 032, 049, 050, and 025-392-006

b.

| POND<br>(POD) | BY UTM Zone 10,<br>NAD 83            | POINT IS<br>WITHIN | projected<br>SECTION | TOWNSHIP | RANGE | BASE &<br>MERIDIAN |
|---------------|--------------------------------------|--------------------|----------------------|----------|-------|--------------------|
| 1             | N 12,949,240 ft.,<br>E 2,332,691 ft. | NE¼ of<br>NW¼      | 27                   | 26 S     | 12 E  | MD                 |
| 2             | N 12,948,815 ft.,<br>E 2,330,443 ft. | NE¼ of<br>NE¼      | 28                   | 26 S     | 12 E  | MD                 |

Also by CCS of 1927  
Zone 5

N 790,614', E 1,207,116'  
N 790,345', E 1,204,909'

## **5. JUSTIFICATION OF AMOUNT**

1. OTHER: Fire protection and aesthetics are included as purposes of use, in addition to recreational and fish and wildlife enhancement, for the capacity of the reservoirs as identified in Section 4 of this application.

## **6.b. PLACE OF USE**

| POND | USE IS<br>WITHIN | projected<br>SECTION | TOWNSHIP | RANGE | BASE &<br>MERIDIAN |
|------|------------------|----------------------|----------|-------|--------------------|
| 1    | NE¼ of NW¼       | 27                   | 26 S     | 12 E  | MD                 |
| 2    | NW¼ of NW¼       | 27                   | 26 S     | 12 E  | MD                 |
|      | NE¼ of NE¼       | 28                   | 26 S     | 12 E  | MD                 |

## **8. COMPLETION SCHEDULE**

The two ponds identified in this application have been in place for an unknown amount of time and were likely used for stockwatering. In 2003, ponds 1 and 2 were repaired in order to prevent further erosion of the spillways and to remove sediment that accumulated in pond 1, which was deposited at a nearby fill site. These repairs were completed pursuant to the Union / 46 Specific Plan and associated amendments, copies of which are located in the Environmental Documents report under the tab "Specific Plan," attached to this application.

State of California  
State Water Resources Control Board  
**DIVISION OF WATER RIGHTS**  
**P.O. Box 2000, Sacramento, CA 95812-2000**  
Info: (916) 657-2170, FAX: (916) 657-1485, Web: <http://www.waterrights.ca.gov>

**APPLICATION TO APPROPRIATE WATER BY PERMIT  
ENVIRONMENTAL INFORMATION**

(THIS IS NOT A CEQA DOCUMENT)

031543

APPLICATION NO.

The following information will aid in the environmental review of your application as required by the California Environmental Quality Act (CEQA). IN ORDER FOR YOUR APPLICATION TO BE ACCEPTED AS COMPLETED, ANSWERS TO THE QUESTIONS LISTED BELOW MUST BE COMPLETED TO THE BEST OF YOUR ABILITY. Failure to answer all questions may result in your application being returned to you, causing delays in processing. If you need more space, attach additional sheets. Additional information may be required from you to amplify further or clarify the information requested in this form.

PROJECT DESCRIPTION

1. Provide a description of your project, including but not limited to, type of construction activity, structures existing or to be built, area to be graded or excavated and project operation, including how the water will be used.

See Attachment



Before a final decision can be made on your water right application, we must consider the information contained in an environmental document prepared in compliance with the requirements of CEQA. If an environmental document has been prepared, a determination must be made as to who is responsible for the preparation of the environmental document for your project. The following questions are designed to aid us in that determination.

- a. Person contacted Meg Williamson Date of contact 2002  
Department Public Works Telephone (805) 237-3888
- b. Assessor's Parcel No. 025-391-031, 032, 049, & 050, and 025-392-006
- c. County Zoning Designation R-1, PD3
- d. Are any county permits required for your project? Yes  
If yes, check appropriate space below:  
                     Grading Permit,                      Use Permit,                      Watercourse  
Obstruction Permit,                      Change of Zoning,                      General Plan  
Change, Other (explain):  
The specific plan for the area surrounding and including the two ponds is included  
in the attached Environmental Documents report under the tab "Specific Plan." This  
plan and accompanying amendments were approved by the City of Paso Robles.
- e. Have you obtained any of the required permits described above? Yes  
If yes, provide a complete copy of each permit obtained.

- Permit type See Attachment
- Person (s) contacted \_\_\_\_\_ Agency \_\_\_\_\_
- Date of contact \_\_\_\_\_ Telephone (    ) \_\_\_\_\_

- If so, please submit a copy of the latest environmental document (s) prepared, including a copy of the notice of determination adopted by the public agency. If not, explain below whether you expect that a public agency other than the State Water Resources Control Board will be preparing

an environmental document for your application or whether the applicant, if it is a California public agency, will be preparing the environmental document for your project:

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Note: When completed, please submit a copy of the final environmental document (including notice of determination) or notice of exemption to the State Water Resources Control Board. Processing of your application cannot proceed until such documents are submitted.

5. Will your project, during construction or operation, generate waste or wastewater containing such things as sewage, industrial chemicals, metals, or agricultural chemicals, or cause erosion, turbidity or sedimentation? No If so, explain: \_\_\_\_\_
- 
- 
- 

If yes or you are unsure of your answer, contact your local Regional Water Quality Control Board for the following information (See attachment for address and telephone number):

Will a waste discharge permit be required for your project? \_\_\_\_\_

Person contacted \_\_\_\_\_ Date of contact \_\_\_\_\_

What method of treatment and disposal will be used? \_\_\_\_\_

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6. Have any archeological reports been prepared on this project, or will you be preparing an archeological report to satisfy another public agency? See Attachment

Do you know of any archeological or historic sites located within the general project area?

No If so, explain: \_\_\_\_\_

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## ENVIRONMENTAL SETTING

7. Attach **THREE COMPLETE SETS** of color photographs, clearly dated and labeled, showing the vegetation currently existing at the following locations:
- Along the stream channel immediately downstream from the proposed point(s) of diversion
  - Along the stream channel immediately upstream from the proposed point(s) of diversion
  - At the place(s) where the water is to be used

Note: It is very important that you submit no less than three complete sets of photographs as required above. If less than three sets are submitted, processing of your application will be delayed until you furnish the remaining sets!

8. From the list given below, mark or circle the general plant community types which best describe those which occur within your project area (Note: See footnote denoted by \* under Question 11 below):

### Tree Dominated Communities

Subalpine Conifer  
Red Fir  
Lodgepole Pine  
Mixed Conifer  
    Sierran Mixed Conifer  
    White Fir  
    Klamath Mixed Conifer  
Douglas-Fir  
Jeffrey Pine  
Ponderosa Pine  
Eastside Pine  
Redwood  
Pinyon-Juniper  
Juniper  
Aspen  
Closed-Cone Pine-Cypress  
Montane Hardwood-Conifer  
Montane Hardwood  
Valley Foothill Hardwood  
    Blue Oak Woodland  
    Valley Oak Woodland  
    Coastal Oak Woodland  
Valley Foothill Hardwood-Conifer  
    Blue Oak-Digger Pine  
Eucalyptus  
Montane Riparian  
Valley Foothill Riparian  
Desert Riparian  
Palm Oasis  
Joshua Tree

### Shrub Dominated Communities

Alpine Dwarf-Shrub  
Low Sage  
Bitterbrush  
Sagebrush  
Montane Chaparral  
Mixed Chaparral  
Chamise-Redshank Chaparral  
Coastal Scrub  
Desert Succulent Shrub  
Desert Wash  
Desert Scrub  
Alkali Desert Scrub

### Herbaceous Dominated Communities

Annual Grassland  
Perennial Grassland  
Wet Meadow  
Fresh Emergent Wetland  
Saline Emergent Wetland  
Pasture

### Aquatic Communities

Riverine  
Lacustrine  
Estuarine  
Marine

### Developed Communities

Cropland  
Orchard-Vineyard  
Urban

Literature source: Mayer, K.E., and W.F. Laudenslayer, Jr., (eds). 1988. A Guide to Wildlife Habitats of California. California Department of Forestry and Fire Protection, Sacramento. 166 pp. (Note: You may view a copy of this document at our public counter at the address given at the top of this form or you may purchase a copy by calling the California Department of Fish and Game, Wildlife Habitat Relationships (WHR) Program at (916) 653-7203).

9. Provide below an estimate of the type, number, and size (trunk/stem diameter at chest height) of trees and large shrubs that are planned to be removed or destroyed due to implementation of the proposed changes. Consider all aspects of your application, including changes in diversion structures, water distribution and use facilities, and changes in the place of use due to additional water development.

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The 401 Water Quality Certification and 1603 Lake and Streambed Alteration Agreement, copies of which are contained in the Environmental Documents report attached to this application under the tabs "RWQCB" and "CDFG," respectively, identify that trees are not to be removed from the project site. During the repair to the ponds in the fall of 2003, no trees were removed.

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#### FISH AND WILDLIFE CONCERNS

10. Identify the typical species of fish which occur in the source(s) from which you propose to divert water and discuss whether or not any of these fish species or their habitat has been or would be affected by your proposed changes. (Note: See footnote denoted by \* under Question 11 below):

The Wildlife Assessment prepared by Althouse and Meade, Inc. for ponds 1 and 2 identifies that steelhead trout, which are a Federally listed threatened species, are known to occur in the Salinas River downstream of the ponds. However, the Unnamed Stream does not contain suitable habitat for steelhead trout and therefore, there will be no impact to the species as a result of this application. There are no other identified species of fish that may occur in the Unnamed Stream. Refer to pages 13 and 14 of the Wildlife Assessment dated December 2002, which is located in the Environmental Documents report under the tab "Wildlife Assessment," attached to this application.

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11. Identify the typical species of riparian and terrestrial wildlife in the project area and discuss whether or not any of these species and/or their habitat has been or would be affected by your project through construction of water diversion and distribution works and/or changes in the place of water use. (Note: See footnote denoted by \* below):

The Wildlife Assessment identifies several species of reptiles, mammals, birds, and amphibians that may occur at the project site. These species of wildlife and their habitat were not affected as a result of the pond maintenance. In addition, the repairs to the ponds have not altered the access to the ponds by the wildlife as compared with pre-project conditions. Therefore, the wildlife listed in the Wildlife Assessment may continue to access the water contained in the ponds.

**\*Note:** The purposes of Question 10 and 11 are to provide a preliminary assessment of the presence of typical plant and animal species in the area and whether these species might be affected by your project. Detailed site surveys to quantify populations of specific species or determine the presence of rare or endangered species may be required at a later date. It is very important that you answer these questions accurately. If you are unable to obtain appropriate answers from your local California Department of Fish and Game biologists (See attachment for address and telephone number) or you do not have adequate information or expertise to complete your answers, you should hire a fishery consultant and/or a wildlife consultant to review your project and prepare suitable answers for you. For information on available qualified fishery or wildlife consultants near you, consult your local telephone directory yellow pages under Environmental and Ecological Services, or call the California Environmental Protection Agency, Registered Environmental Assessor (REA) Program, at (916) 324-6881 or the University of California, Cooperative Extension Service (See your local telephone directory white pages).

12. Does your proposed project involve any construction or grading-related activity which has significantly altered or would significantly alter the bed or bank of any stream or lake? No -

If so, explain: \_\_\_\_\_

#### CERTIFICATION

I hereby certify that the statements I have furnished above and in the attached exhibits are complete to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge.

Date 9-1-04 Signature X Frank Arcius

# **Attachment to Application to Appropriate Water by Permit Environmental Information by Fallingstar Homes, Inc.**

## **1. PROJECT DESCRIPTION**

The project consists of two existing small earthen dams, creating ponds 1 and 2, located on an Unnamed Stream tributary to the Salinas River. The ponds are adjacent to Highway 46 and east of North River Road within the City of Paso Robles in San Luis Obispo County. The ponds have been in place for an unknown amount of time and were likely used for stockwatering. Fallingstar Homes, Inc. intends to integrate the ponds, neighboring a proposed park, into the overall development of the area for wildlife enhancement, recreation, fire protection, and aesthetic purposes. This integration is pursuant to the Union / 46 Specific Plan and accompanying amendments adopted by the City of Paso Robles, copies of which are included in the Environmental Documents report under the tab "Specific Plan," attached to this application. The ownership of the ponds will be transferred to the City of Paso Robles (City) and will become part of the City's Open Space. No consumptive uses of the water will be made and no new water will be stored.

Pursuant to the requirements of the Central Coast Regional Water Quality Control Board, approximately 500 cubic yards of sediment were removed from pond 1 in the Fall of 2003. The existing spillways of ponds 1 and 2 had partially failed and were improved and reinforced with grouted riprap to prevent erosion. Fallingstar Homes, Inc. acquired the permits essential to complete the project, as identified in the State and Federal Permits section of this application.

## **GOVERNMENTAL REQUIREMENTS**

### **3. State and Federal Permits**

#### **a. 401 Water Quality Certification**

The Central Coast Regional Water Quality Control Board issued a 401 Water Quality Certification for the maintenance of ponds 1 and 2. A copy of the certification, dated August 4, 2003, is included in the Environmental Documents report under the tab "RWQCB," attached to this application. The contact for this certification is Tom Kukol, Water Resources Control Engineer for the Central Coast Regional Water Quality Control Board, who may be contacted at 805-549-3689.

b. 1603 Lake and Streambed Alteration Agreement

The California Department of Fish and Game issued a 1603 Lake and Streambed Alteration Agreement for the maintenance of ponds 1 and 2. A copy of the agreement, dated April 17, 2003, is included in the Environmental Documents report under the tab "CDFG," attached to this application. The contact for this agreement is Robert Floerke, Regional Manager for the Central Coast Region of the California Department of Fish and Game, who may be contacted at 707-994-5500.

c. US Army Corps of Engineers Nationwide Permits

The US Army Corps of Engineers authorized the maintenance of the two ponds under Nationwide Permits #3(i), Maintenance; and #13, Bank Stabilization, pursuant to Section 404 of the Clean Water Act. A copy of the authorization, dated May 23, 2003, is included in the Environmental Documents report under the tab "USACE," attached to this application. The contact for this authorization is Gordon Liu of the Regulatory Branch for the US Army Corps of Engineers, who may be contacted at 415-977-8463.

4. Environmental Document

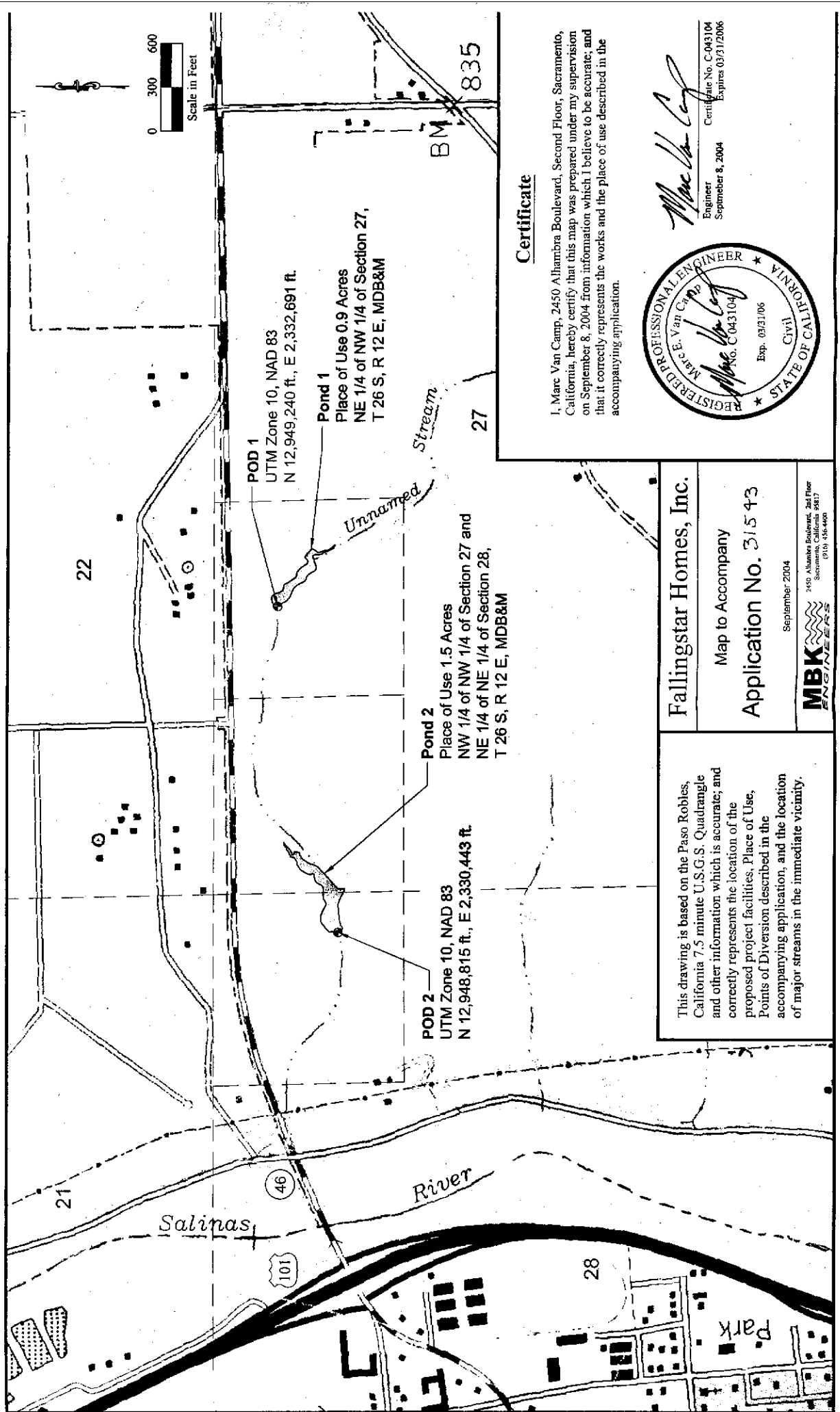
The City of Paso Robles is the lead agency for the negative declaration prepared for the project. Copies of the negative declaration and notice of determination are located in the Environmental Documents report attached to this application under the tab "Negative Declaration."

6. Archeological Reports

As identified on Page V-22 of the Union / 46 Specific Plan dated March 1, 1998, a copy of which is located in the Environmental Documents report under the tab "Specific Plan," attached to this application, there were no archeological resources found during site investigations.

**ENVIRONMENTAL SETTING**

7. Attached to this application are three sets of color photographs located within the Environmental Documents report under the tab "Photographs."



# **Certificate**

I, Marc Van Camp, 2450 Alhambra Boulevard, Second Floor, Sacramento, California, hereby certify that this map was prepared under my supervision on September 8, 2004 from information which I believe to be accurate; and that it correctly represents the works and the place of use described in the accompanying application.



**Fallingstar Homes, Inc.**

Map to Accompany

Application No. 31543

September 2004

**MBK ENGINEERS**  
2450 Alhambra Boulevard, 2nd Floor  
Sacramento, California 95817  
(916) 484-4000

This drawing is based on the Paso Robles, California 7.5 minute U.S.G.S. Quadrangle and other information which is accurate; and correctly represents the location of the proposed project facilities, Place of Use, Points of Diversion described in the accompanying application, and the location of major streams in the immediate vicinity.